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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,901	02/13/2004	Martial Hulin	713-1006	6092
7590	12/13/2004		EXAMINER	
LOWE, HAUPTMAN, GOPSTEIN, GILMAN & BERNER, LLP Suite 310 1700 Diagonal Road ALEXANDRIA, VA 22314			REESE, DAVID C	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/777,901	HULIN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	David C. Reese	3677	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

#### Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 13 February 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-11 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

**DETAILED ACTION**

***Status of Claims***

[1] Claims 1-11 are pending.

***Claim Rejections - 35 USC § 102***

[2] The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

[3] Claims 1-6, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Koscik, U.S. Patent 3,889,320.

Koscik teaches of a headliner/molding retainer.

As for Claim 1, Koscik teaches of a headliner/molding retainer comprising a head (55 in Fig. 3) and a body (59 and below in Fig. 3), intended for connecting a first piece (51 in Fig. 3) and a second piece (11 in Fig. 3), each comprising a through-hole with a predetermined contour,

the first and second pieces having respectively a first and second predetermined thickness (the through-holes in the center of pieces 50 and 11 in Fig. 3), characterized in that the head comprises a transverse stop able to bear on the first piece (55 in Fig. 3), and in that the body comprises a first spacer (54 in Fig. 3) and a second spacer (15 in Fig. 2), coaxial and disposed in line with each other in an axial direction (the axial layout of both spacers as shown in Fig. 3), the first spacer, adjacent to the head, having a diameter greater than that of the second spacer (the diameter of 54 compared with the diameter of 15 in Fig. 2) which extends starting from the first spacer, on the opposite side from the head, each of the spacers comprising at least one lug (the ends of 54 of the first spacer; and 45, 46 attached to the second spacer 15 in Figs. 2 & 3), the lugs on the first spacer being separated from the head by a distance corresponding substantially to the said first thickness (the thickness of piece 51 compared to the distance between first spacer 54 and respective lugs to that of the head 55 in Fig. 3) and the lugs on the second spacer being separated from the first spacer by a distance corresponding substantially to the said second thickness (the thickness of 11 compared to the distance from the lugs 45 and 46 of the second spacer to the first spacer 54), the lugs on the first spacer being aligned with the lugs on the second spacer (the lugs on the spacers are vertically aligned as shown in Fig. 3).

As for Claim 2, Re: Claim 1, Koscik teaches of a headliner/molding retainer characterized in that it is made in a single piece (the single piece structure as shown in Fig. 3).

As for Claim 3, Re: Claim 1, Koscik teaches of a headliner/molding retainer characterized in that the join between the first spacer and the second spacer forms a shoulder defining a transverse abutment surface (the shoulder that is formed between the first and second spacer, directly below 54 in Fig. 3).

As for Claim 4, Re: Claim 1, Koscik teaches of a headliner/molding retainer characterized in that the second spacer comprises, at its join with the first spacer, a frangible region of lesser thickness (15 and the lesser thickness as shown in Figs. 2 & 3).

As for Claim 5, Re: Claim 1, Koscik teaches of a headliner/molding retainer characterized in that the traverse stop on the head is a projecting collar on the periphery of the head (55 in Fig. 3).

As for Claim 6, Re: Claim 5, Koscik teaches of a headliner/molding retainer characterized in that the collar is elastically deformable in the axial direction so as to provide a taking up of axial play (57 in Fig. 3, and stated in part 3, line 10, "...an extension structure 57 which is of a height substantially equal to the thickness T of the headliner member 50).

As for Claim 9, Re: Claim 1, Koscik teaches of a headliner/molding retainer characterized in that the second spacer comprises a chamfer at its end that is opposite from the head (15 in Figs. 2 & 3).

As for Claim 10, Re: Claim 1, Koscik teaches of a headliner/molding retainer characterized in that the lugs on the second spacer comprise beveled portions (45,46,41,42 in Fig. 3).

#### *Claim Rejections - 35 USC § 103*

[4] The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

[5] Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koscik US-3,889,320 in view of Kubogochi et al., US-4,952,106.

Koscik teaches of the above claims.

However, Koscik fails to disclose expressly a collar that possesses two cut-outs having a movable locking tooth.

Kubogochi et al. teaches of a fastener that possesses an elastic locking portion (15' in Fig. 4 of Kubogochi et al.) having radially outward projections (15a in Fig. 4 of Kubogochi et al.), and cut-outs (21 in Fig. 4 of Kubogochi et al.) that engage the edge of the mounting hole as seen in (Fig. 7).

At the time of invention, it would have been obvious to one of ordinary skill in the art to modify the collar taught by Koscik, to incorporate both cut-outs having an axially movable locking tooth and one that is substantially equal to the width of potential lugs (in Koscik), as taught by Kubogochi et al., in order to create another fundamental means for the collar and thereby fastener to become more secure when depressed into a plurality of workpieces.

[6] Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koscik US-3,889,320 in view of Latal et al. US-5,868,537.

Koscik teaches of the above claims.

However, Koscik fails to disclose expressly a head comprising a tongue for manual gripping.

Latal teaches of a retainer pin that possesses as shown in Fig. 2 of Latal, and described in part 2, line 27, (“...the distal end 20 of head 12 is enlarged in order to allow the user to grip firmly the planar face 16 of head 12”).

At the time of invention, it would have been obvious to one of ordinary skill in the art to modify the head taught by Koscik, to incorporate a tongue taught by Latal, in order to enhance manual gripping of the fastener.

Continuing with the last claim, Re: Claim 1, Koscik teaches of a headliner/molding retainer characterized in that the head comprises a tongue (Koscik in view of 12, and 16 in Fig. 2 of Latal) for manual gripping and in that the first spacer and the second spacer each comprise two diametrically opposed lugs (ends of 54, and 45, 46 in Fig. 3 of Koscik) the lugs on the first spacer being aligned with the lugs on the second spacer (the vertical alignment of the ends of 54 compared with 45 and 46 of the second spacer).

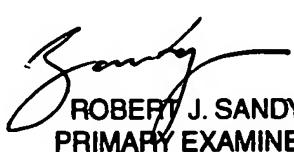
***Conclusion***

[7] The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is as follows: Kovac, 5,871,320; Harmon et al., 4,502,193; Swick et al., 3,810,279; Johansson et al., 6,752,576; Grittner et al., 4,122,583; Palmer et al., 4,312,614; Collyer, 3,550,217; Sinozaki, 5,689,863; Cordola et al., 5,173,026; Takahashi, 4,715,095.

[8] Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Reese whose telephone number is 703-305-4805. The examiner can normally be reached on 7:30 am - 5:00 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ROBERT J. SANDY  
PRIMARY EXAMINER

Sincerely,  
David Reese  
Assistant Examiner  
Art Unit 3677